

Attorney's Docket No.: 15916-024004 / 441.3 CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tom Knapp et al.

Art Unit : 1641

Serial No. : 09/759,629

Examiner : G. Gabel

Filed : January 12, 2001

Title : PHOTON REDUCING AGENTS FOR FLUORESCENCE ASSAYS

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(B)

Applicants hereby petition for reconsideration of the Patent Term Adjustment (PTA) accorded the above-referenced patent application. Attached herewith is a copy of the Notice of Allowance including a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b), mailed October 20, 2004, for the above-referenced application. The Notice of Allowance states that the Patent Term Adjustment at allowance is 0 days. Correction of the Patent Term Adjustment calculation to increase Applicant Delay from 199 days to 205 days, to increase PTO Delay from 0 days to 40 days, is respectfully requested. The Total (net) PTA remains 0 days.

REVIEW OF PATENT TERM ADJUSTMENT CALCULATION

A review of the Patent Term Adjustment History in the PAIR system shows that the United States Patent and Trademark Office (PTO) calculated the Patent Term Adjustment (PTA) as follows:

- 1) Applicants mailed a response to the Restriction Requirement of March 8, 2002, on April 8, 2002, which was received by the PTO on April 16, 2002. Applicants filed an Information Disclosure Statement on May 23, 2002, which was received by the PTO on June 4, 2002, thereby according an Applicant Delay of 49 days for a supplemental response. Applicants concur with this patent term adjustment calculation.

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV602144701US

January 10, 2005

Date of Deposit

- 2) Applicants mailed a response to the non-final Office Action of June 18, 2002, on December 17, 2002, which was received by the PTO on December 23, 2002, thereby according an Applicant Delay of 96 days for a delayed response. Applicants concur with this patent term adjustment calculation.
- 3) Applicants mailed a response to the non-final Office Action of March 10, 2003, on June 11, 2003, which was received by the PTO on June 13, 2003, thereby according an Applicant Delay of 2 days for a delayed response. Applicants concur with this patent term adjustment calculation.
- 4) Applicants filed an Information Disclosure Statement on August 1, 2003, which was received by the PTO on August 4, 2003, thereby according an Applicant Delay of 52 days for a supplemental response. Applicants concur with this patent term adjustment calculation.
- 5) Applicants mailed an RCE in response to the Notice of Allowance of September 30, 2003, on December 30, 2003, which was received by the PTO on January 5, 2004. No Applicant Delay was accorded for this response. On the basis of good faith and candor, Applicants submit that there may be an error in the calculation of Applicant Delay with regard to this action, and that an Applicant Delay of 6 days for late response may be required.
- 6) The PTO mailed a Notice of Allowance in response to Applicants' May 10, 2004, RCE, on October 20, 2004. No PTO Delay was accorded in connection with this action. Applicants respectfully submit that the PTO's calculation of PTO Delay contains an error and that the correct PTO Delay is 40 days, as outlined further below.

STATEMENT OF THE FACTS

On May 7, 2004, Applicants mailed a Request for Continued Examination and an Information Disclosure Statement (copies enclosed). The documents were received by the PTO on May 10, 2004, as evidenced by the PTO date-stamped return receipt postcard (copy enclosed). Under 35 U.S.C. § 154(b)(1)(A)(ii), the PTO has four months from the date a reply under 35 U.S.C. § 132 is received; thus, the PTO should have issued its next action by

Applicant : Tom Knapp et al.
Serial No. : 09/759,629
Filed : January 12, 2001
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September 10, 2004. Its next action, a Notice of Allowance (copy enclosed), was not mailed until October 20, 2004.

DOCUMENTS ENCLOSED

A copy of each of the following documents is provided herein:

- 1) Notice of Allowance mailed October 20, 2004; and,
- 2) Request for Continued Examination and Information Disclosure Statement mailed May 7, 2004, and PTO date-stamped postcard indicating receipt date of May 10, 2004.

REMARKS

In consideration of the events described above, Applicants believe that, while the Total (net) PTA calculation of 0 days is correct, the calculations of PTO Delay and Applicant Delay are incorrect. Applicants respectfully request reconsideration of the patent term adjustment calculation in the following manner:

- 1) Total PTO Delay should be calculated as 40 days (for a delayed response to Applicants' May 10, 2004, RCE); and
- 2) Total Applicant Delay should be calculated as 205 days (49 days for submission of a supplemental response on June 4, 2002; 96 days for submission of a delayed response to the Office Action dated June 18, 2002; 2 days for submission of a delayed response to the Office Action dated March 10, 2003; 52 days for submission of a supplemental response on August 4, 2003; and, 6 days for submission of a delayed response to the Notice of Allowance dated September 30, 2003).

Therefore, Applicants respectfully request, in good faith and candor, the addition of 6 days of Applicant Delay, thus increasing Applicant Delay from 199 days to 205 days. Applicants also respectfully request the addition of 40 days of PTO Delay, thus increasing PTO Delay from 0 days to 40 days. The Total (net) PTA of 0 days remains unchanged.

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Enclosed is a check for the fee of \$200 required under 37 CFR §1.18(e). Please apply any other required charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 1/10/05

Teresa A. Lavoie
Teresa A. Lavoie, Ph.D.
Reg. No. 42,782

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60268764.doc



UNITED STATES PATENT AND TRADEMARK OFFICE

15916-024004

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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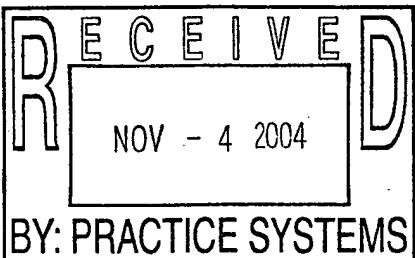
RCL
TAL

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

10/20/2004

Lisa A. Haile, PH. D.
Gray Cary Ware & Friedenrich LLP
4365 Executive Drive
Suite 1100
San Diego, CA 92121-2133



EXAMINER
GABEL, GAILENE
ART UNIT
1641
PAPER NUMBER
DATE MAILED: 10/20/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,629	01/12/2001	Tom Knapp	AURO1290-4	3141

TITLE OF INVENTION: PHOTON REDUCING AGENTS FOR FLUORESCENCE ASSAYS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1370	\$300	\$1670	01/21/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

RECEIVED

OCT 2 5 2004



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,629	01/12/2001	Tom Knapp	AURO1290-4	3141
7590	10/20/2004		EXAMINER	
Lisa A. Haile, PH. D. Gray Cary Ware & Friedenrich LLP 4365 Executive Drive Suite 1100 San Diego, CA 92121-2133			GABEL, GAILENE	
			ART UNIT	PAPER NUMBER
			1641	
DATE MAILED: 10/20/2004				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Docketed By Practice Systems
Action Code: <u>Issue/Publ fee</u>
Base Date: <u>10-20-04</u>
Due Date: <u>12-20-04</u>
Deadline: <u>1-20-05</u>
Initials: <u>OPM</u>
Record:

*PTA
Petition*

Docketed By Practice Systems
Action Code: <u>File con-DIV</u>
Base Date: <u>10-20-04</u>
Due Date: <u>12-20-04</u>
Deadline: <u>1-20-05</u>
Initials: <u>OPM</u>
Record:

*change of
address*

Docketed By Billing Secretary
Due Date: <u>12-20-04</u>
Deadline: <u>1-20-05</u>
Initials: <u>ADM 11/8/04</u>

Docketed By Billing Secretary
Due Date: <u>12-20-04</u>
Deadline: <u>1-20-05</u>
Initials: <u>ADM 11/8/04</u>



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,629	01/12/2001	Tom Knapp	AURO1290-4	3141
7590	10/20/2004		EXAMINER	
Lisa A. Haile, PH. D. Gray Cary Ware & Friedenrich LLP 4365 Executive Drive Suite 1100 San Diego, CA 92121-2133			GABEL, GAILENE	
			ART UNIT	PAPER NUMBER
			1641	
DATE MAILED: 10/20/2004				

Notice of Fee Increase on October 1, 2004

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after October 1, 2004, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" because some fees will increase effective October 1, 2004. See Revision of Patent Fees for Fiscal Year 2005; Final Rule, 69 Fed. Reg. 52604, 52606 (May 10, 2004).

The current fee schedule is accessible from WEB site (<http://www.uspto.gov/main/howtofees.htm>).

If the fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due" but not the correct amount in view of the fee increase, a "Notice of Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice of Pay Balance of Issue Fee," if the response to the Notice of Allowance is to be filed on or after October 1, 2004 (or mailed with a certificate of mailing on or after October 1, 2004), the issue fee paid should be the fee that is required at the time the fee is paid. See Manual of Patent Examining Procedure (MPEP), Section 1306 (Eighth Edition, Rev. 2, May 2004). If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously-paid issue fee should be paid. See MPEP Section 1308.01.

Effective October 1, 2004, 37 CFR 1.18 is amended by revising paragraphs (a) through (c) to read as set forth below.

Section 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

By a small entity (Sec. 1.27(a))..... \$685.00
By other than a small entity..... \$1,370.00

(b) Issue fee for issuing a design patent:

By a small entity (Sec. 1.27(a))..... \$245.00
By other than a small entity..... \$490.00

(c) Issue fee for issuing a plant patent:

By a small entity (Sec. 1.27(a))..... \$330.00
By other than a small entity..... \$660.00

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability

Application No.

09/759,629

Applicant(s)

KNAPP ET AL.

Examiner

Gailene R. Gabel

Art Unit

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Applicant's filing of RCE and submission of IDS.
2. The allowed claim(s) is/are 80-111, 113-119, which have been renumbered as claims 1-22, 24, 25, 23, and 26-39, respectively.
3. The drawings filed on _____ are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 5/10/04
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.


10/14/04

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER*G. Gabel***ART UNIT****PAPER**

101404

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Responsive to Applicant's filing of RCE and submission of PTO-1449, the references submitted have been duly reviewed for relevancy in relation to the allowed claims. The claims are determined to be free of the prior art of record.

Christopher L. Chin

CHRISTOPHER L. CHIN
PRIMARY EXAMINER
GROUP 1800/641

Gailene R. Gabel*Gabel*

MAY 10 2004

Sheet 1 of 1

Substitute Form PTO-1449 (Modified)		U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 15916-024004	Application No. 09/759,629
Information Disclosure Statement by Applicant (Use several sheets if necessary)		Applicant Tom Knapp et al.		
		Filing Date January 12, 2001	Group Art Unit 1641	
(37 CFR §1.98(b))				

U.S. Patent Documents

Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
gjg	AA	4,192,917	3/1980	Zurawski	435	236	—
gjg	AB	4,658,020	4/1987	Kung et al.	530	387	—
gjg	AC	4,680,275	7/1987	Wagner et al.	436	578	—
gjg	AD	4,758,523	7/1988	Harjumaa	436	531	—
gjg	AE	4,770,992	9/1988	Vanden Engh et al.	435	6	—
gjg	AF	4,800,159	1/1989	Mullis et al.	435	172	—
gjg	AG	4,837,162	6/1989	Rothman et al.	436	531	—
gjg	AH	4,863,875	9/1989	Bailey et al.	436	578	—
gjg	AI	4,954,435	9/1990	Krauth	435	7.93	—
gjg	AJ	4,968,601	11/1990	Jacobson et al.	435	5	—
gjg	AK	4,977,077	12/1990	Ngo et al.	435	7	—
gjg	AL	4,994,373	2/1991	Stavrianopoulos et al.	435	6	—
gjg	AM	5,032,381	7/1991	Bronstein et al.	424	9	—
gjg	AN	5,073,497	12/1991	Schwartz	436	8	—
gjg	AO	5,106,730	4/1992	Van Ness et al.	435	6	—
gjg	AP	5,118,602	6/1992	Pedersen et al.	435	5	—
gjg	AQ	5,130,238	7/1992	Malek et al.	435	91.21	—
gjg	AR	5,177,073	1/1993	Gulliya et al.	514	224.8	—
gjg	AS	5,198,340	3/1993	Mukku	435	7.8	—

Foreign Patent Documents or Published Foreign Patent Applications

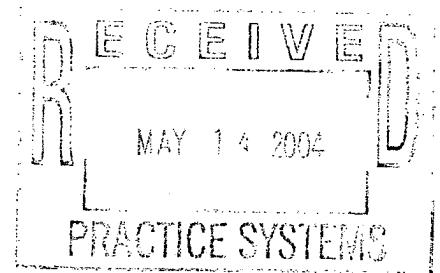
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AT							

Other Documents (Include Author, Title, Date, and Place of Publication)

Examiner Initial	Desig. ID	Document	
	AU		

Examiner Signature <i>Barilene F. Gabel</i>	Date Considered 10/14/04
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Attorney's Docket No. 15916-024004	Express Mail Label No.	Mailing Date May 7, 2004	For PTO Use Only <i>Do Not Mark in This Area</i>
Application No. 09/759,629	Filing Date January 12, 2001	Attorney/Secretary Init RCL/TAL/ajm	
Title of the Invention PHOTON REDUCING AGENTS FOR FLUORESCENCE ASSAYS			
Applicant Tom Knapp et al.			
Client Reference No. 441.4 CON			
Enclosures <ul style="list-style-type: none"> • Check in the amount of \$770.00 • Information Disclosure Statement (1 page) • Form PTO-1449 (1 page) • Documents listed on the Form PTO-1449 (19 documents) • Request for Continued Examination Transmittal (1 page) 			
<p style="text-align: center;">FR</p>			



Attorney's Docket No. 15916-024004	Express Mail Label No.	Mailing Date May 7, 2004	For PTO Use Only <i>Do Not Mark in This Area</i>
Application No. 09/759,629	Filing Date January 12, 2001	Attorney/Secretary Init RCL/TAL/ajm	
<p>Title of the Invention PHOTON REDUCING AGENTS FOR FLUORESCENCE ASSAYS </p>			
<p>Applicant Tom Knapp et al. </p>			
<p>Client Reference No. 441.4 CON </p>			
<p>Enclosures</p> <ul style="list-style-type: none"> · Check in the amount of \$770.00 · Information Disclosure Statement (1 page) · Form PTO-1449 (1 page) · Documents listed on the Form PTO-1449 (19 documents) · Request for Continued Examination Transmittal (1 page) 			
<p>FR</p>			

c 178827			
FISH & RICHARDSON P.C.			
225 Franklin Street Boston, Massachusetts 02110-2504			
DOLLARS			
15916 - 024004 One hundred Sixty and 00/100			
PAY TO THE ORDER OF			
FISH & RICHARDSON P.C.			
COMMISSIONER OF PATENTS AND TRADEMARKS			
By <i>[Signature]</i>			
Fleet Main, N.A. www.fleet.com South Portland, ME			
S2-153112			
" 178827" 101 201539: 80 071 123"			

BEST AVAILABLE COPY

<p style="text-align: center;"> Request For Continued Examination (RCE) Transmittal </p> <p>Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p>	<i>Application Number</i>	09/759,629
	<i>Filing Date</i>	January 12, 2001
	<i>First Named Inventor</i>	Tom Knapp et al.
	<i>Group Art Unit</i>	1641
	<i>Examiner Name</i>	G. Gabel
	<i>Attorney Docket Number</i>	15916-024004

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. §1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s)

a. Previously submitted. If a final Office action is outstanding, any amendment filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. Other _____

b. Enclosed

i. Amendment/Reply

ii. Affidavit(s)/Declaration(s)

iii. Information Disclosure Statement (IDS)

iv. Other Form PTO-1449

2. **Miscellaneous**

a. Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(i) required)

b. Other _____

3. **Fee** The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 06-1050

i. RCE fee required under 37 CFR 1.17(e)

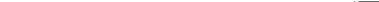
ii. Extension of time fee (37 CFR 1.136 and 1.17)

iii. Other Any deficiencies

b. Check in the amount of \$ 770 enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

Name (Print/Type)	Teresa A. Lavoie, Ph.D.		Registration No. (Attorney/Agent)	42,782
Signature			Date	May 7, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tom Knapp et al.
Serial No. : 09/759,629
Filed : January 12, 2001
Title : PHOTON REDUCING AGENTS FOR FLUORESCENCE ASSAYS

Art Unit : 1641
Examiner : G. Gabel

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INFORMATION DISCLOSURE STATEMENT

Applicant submits the references listed on the attached form PTO-1449.

This filing is being made with the filing of a Request for Continued Examination. No fee is required.

Respectfully submitted,

Date: 5/7/04

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Substitute Form PTO-1449 (Modified)		U.S. Department of Commerce Patent and Trademark Office		Attorney's Docket No. 15916-024004	Application No. 09/759,629
Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Tom Knapp et al.			
		Filing Date January 12, 2001		Group Art Unit 1641	

U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
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Foreign Patent Documents or Published Foreign Patent Applications							
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation
							Yes No
	AT						

Other Documents (include Author, Title, Date, and Place of Publication)							
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	AU						

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EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	